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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,557	10/23/2003	Philip Berardi	I008-P03169US	5888
33356	7590	06/07/2004	EXAMINER	
SOCAL IP LAW GROUP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			SZUMNY, JONATHON A	
			ART UNIT	PAPER NUMBER

3632

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,557

Applicant(s)

BERARDI, PHILIP

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the first office action for application number 10/692,557, Support Extension for Stage Apparatus, filed on October 23, 2003.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-36, drawn to a support extension/pin, classified in class 248, subclass 222.52.
- II. Claims 37-40, drawn to a method of supporting stage equipment, classified in class 52, subclass 7.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, there are many examples of support extensions that could be utilized in the above mentioned method, many of which are cited in this office action.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Steve Sereboff on May 26, 2004 a provisional election was made without traverse to prosecute the invention of Invention 1, claims 1-36. Affirmation of this election must be made by applicant in replying to this

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Office action. Claims 37-40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

Domestic priority of application numbers 60/420,896 and 60/420,983 filed on October 23, 2002 is acknowledged.

Specification

The disclosure is objected to because of the following informalities:

On page 12, the fourth to last line, "132" should be --138--.

Appropriate correction is required.

Claim Objections

Claims 21 and 32 are objected to because of the following informalities:

In line 2, "the head become" should be --as the head becomes--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

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Claims 15, 18, 29, 33 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the pin body" in line 1, claim 18 recites "the body cavity" in line 1, claim 29 recites "the pin body cavity" in line 1 and claim 33 recites "the pin body cavity" in line 2. There is insufficient antecedent basis for these limitations in the claims.

5/23/04 *line*
Regarding claim 35, ~~line~~ ^{line} 3, it is not clear if the "receiving cavity" is referring to the same "cavity" from line 4 of claim 34, or a different cavity. With reference to figure 1B, for instance, it appears there is only one cavity in the pin body, and the Examiner will assume these are referring to the same cavity.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent number 4,677,794 to Parron et al.

Regarding claims 1-5 and 7, Parron et al. '794 discloses a support extension (figure 4) comprising an accepting means (70,76), and a coupling means (82) included in the accepting means, wherein the coupling means includes a fastening means (80) that is rotationally activated, wherein the accepting means is constructed of metal (see cross hatching in figure 5), wherein the accepting means includes a means (76) that could inherently receive stage equipment, a safety pin or pliers.

Alternatively, regarding claims 8, the coupling means comprises member (80), the fastening means comprises member (82), and the accepting means includes a fastening means engaging means comprising the internally threaded aperture (76) of figure 5.

Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent number 6,719,156 to Ellbogen et al.

Ellbogen et al. '156 divulges a support extension (figure 1B) comprising an accepting means (18), and a coupling means (43) included in the accepting means, wherein the coupling means includes accepting means fastening means (44,45), wherein the accepting means is cylindrical with a round cross section.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,222,107 to Lo.

Lo '107 discloses a support extension (figure 2) comprising an accepting means (40), and a coupling means (60) included in the accepting means, wherein the coupling

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means includes accepting means fastening means (70), wherein the fastening means comprises a butterfly bolt.

It is noted that for claims 12 and 23, the phrase "to be coupled" and for claim 34, the phrases "to be fastened" and "to be attached" are all assumed to be *functional* language.

Claims 12, 14-18, 23, 24 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,244,501 to Ingram.

Ingram '501 discloses a support extension/pin (figure 2) comprising a body/pin body (95) and a bolt/t-bolt (86,80) coupled with the body/pin body, wherein the body/pin body includes a wide groove/small hole/at least two notches (97), wherein the body/pin body is generally cylindrical, wherein the body/pin body cavity includes screw threads (88) complimentary to screw threads (86) on the bolt/t-bolt.

Claims 1, 10, 11, 12, 19-24 and 30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,794,901 to Sigel.

With respect to claims 1, 10 and 11, Sigel '901 divulges a support extension (figure 2) comprising accepting means (14,13, 5, 7), and coupling means (12) included in the accepting means, wherein the coupling means includes accepting means fastening means (17), wherein the fastening means comprises fastening means aligning means (36) that is rotationally activated.

Regarding claims 12, 19-24 and 30-36, Sigel '901 discloses a support extension (figure 2) comprising a body/pin body (12), and a bolt/t-bolt (17) coupled with the body/pin body, wherein the bolt/t-bolt comprises a head (18), a collar (36) and a cylindrical portion (22), wherein the collar is in a shape that serves as a cam when rotated (column 5, line 57, "rotation limiting") such that when the head becomes perpendicular to a channel opening in a rail, the body/pin body rotates (as in figure 3, just before locked position of head, via the collar (36)), wherein the cylindrical portion includes screw threads (22) complimentary to screw threads (23) included in the body/pin body cavity, wherein the support pin is inherently attachable to a rail by placing the head of the t-bolt into a channel in the rail and rotating the pin body, the rotating causing the cylindrical portion to be drawn into a receiving cavity in the pin body as the head of the t-bolt becomes flush with the underside of the lips of the channel in the rail while the pin body is secured against the top of the rail (secured via 14, see figure 3), wherein the support pin further comprises a washer (38) that fits onto the cylindrical portion of the t-bolt and inherently sits between the top of the rail and the pin body when the support pin is attached to the rail, the washer inherently enhances attachment of the support pin to the rail (inherently via more friction).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingram '501.

Ingram '501 teaches the previously described device (figure 2) wherein many other features of the support are made of metal (see cross-hatching in figure 3), but fails to specifically reveal the body/pin body to be constructed of one of a metal, resin or plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the body/pin body of metal since it is well known that doing so provides for a durable sturdy device, in addition to providing for a more homogenously built device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

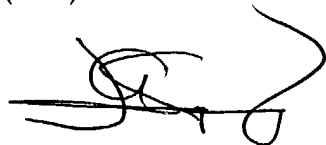
McGrath '611, Kalmbach '116, Elsner '710, Hagen '445, Keglewitsch '373, Bott '680, Ennis '596, Lindberg et al. '385, Hoffman '974, Dean et al. '509 and Snyder et al. '568 divulge various support extensions with pins, bolts and rails.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a stylized flourish extending from the end.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
May 28, 2004